

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LENOR TILLMAN,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 2:23-cv-01070-MJP

~~[PROPOSED]~~ ORDER OF
CONSOLIDATION

RACHAEL TILLMAN,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 2:24-cv-00527-MJP

~~[PROPOSED]~~ ORDER OF
CONSOLIDATION

The complaints filed in Civil Case Nos. 2:24-cv-00527-JCC (Dkt. No. 1) and 2:23-cv-1070-MJP (Dkt. No. 1) arise from the same motor vehicle accident on January 18, 2021, in which a vehicle being driven by an employee of the U.S. Postal Service allegedly struck a vehicle being driven by Lenor Tillman and in which Rachael Tillman was a passenger. Both plaintiffs have brought suit against the United States pursuant to the Federal Tort Claims Act for

negligence in connection with the motor vehicle accident. The cases seek relief on similar legal theories and will involve the substantially the same evidence, witnesses, and issues concerning the motor vehicle accident, but it appears both plaintiffs claim different types and extent of damages from the accident.

Federal Rule of Civil Procedure 42(a) permits a court to consolidate actions that involve common questions of law or fact. To determine whether to exercise its broad discretion to consolidate actions, courts “evaluate the existence of common questions of law or fact and weigh the interests of judicial economy against any delay or prejudice that may result.” *Burton-Curl v. Seattle College District South Campus*, Case No. 2:22-cv-01781-LK, 2023 WL 2352225, at *1 (W.D. Wash. Mar. 3, 2023) (cleaned up); *see also In re Adams Apple, Inc.*, 829 F.2d 1484, 1487 (9th Cir. 1987) (“[C]onsolidation is within the broad discretion of the district court....”).

Here, the parties have stipulated to consolidating the cases based upon an agreed schedule for both matters. Based on the Court’s review of the dockets at issue, and in light of the parties’ agreement, it does not appear that undue delay or prejudice would result from consolidation.

Accordingly, the Court ORDERS that:

1. This case is consolidated with the lower-numbered case, Case No. C23-1070-MJP.
2. The parties are directed to use only Case No. C23-1070-MJP and not Case No. C24-527-MJP on all future filings.

DATED this 18th day of June, 2024.



MARSHA J. PECHMAN
United States Senior District Judge

Presented by:

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